

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

ROY ASBERRY COOPER III, in his official capacity
as the Governor of North Carolina,
et al.,

Defendants.

No. 1:18-cv-01034

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

The North Carolina State Conference of the NAACP, Chapel Hill – Carrboro NAACP, Greensboro NAACP, High Point NAACP, Moore County NAACP, Stokes County Branch of the NAACP, and Winston Salem – Forsyth County NAACP (“NAACP” or “Plaintiffs”) hereby respectfully request, pursuant to Federal Rule of Civil Procedure 65(a)(1), that the Court issue a preliminary injunction preventing Defendants from putting into effect the challenged provisions of Senate Bill 824 (“SB 824”), entitled *An Act to Implement the Constitutional Amendment Requiring Photographic Identification to Vote*, 2018 N.C. Sess. Laws 144.

The law requires, among other things, that in-person voters present one of a limited number of forms of qualifying photographic identification. The law also dramatically expands the number of poll observers permitted on election day, and expands the grounds for challenges to ballots by any voter in the county to encompass the

new voter ID requirements. The law's purpose is, and its effect will be, to disparately deny thousands of otherwise eligible Black and Latino voters in North Carolina the right to vote.

Preliminary injunctive relief is warranted—(1) Plaintiffs are likely to succeed on the merits of their claims; (2) the law will immediately irreparably harm Plaintiffs; and (3) the public interest and balance of equities favor a preliminary injunction. The Plaintiffs have a strong likelihood of success on the merits. SB 824 transparently repackages the voter ID restrictions in HB 589, a law the Fourth Circuit found intentionally discriminated against voters of color. *N.C. State Conference of the NAACP v. McCrory*, 831 F.3d 204, 229 (4th Cir. 2016). Both because of its discriminatory purpose and its discriminatory effects, SB 824 likely violates § 2 of the Voting Rights Act, 52 U.S.C.A. § 10301. SB 824 will also cause immediate irreparable harm. If SB 824 takes effect, thousands of Black and Latino voters will be deprived of the most fundamental right in our society—the right to vote. The public interest and balance of equities also favor preliminary injunctive relief. North Carolina has no legitimate interest in enforcing an unconstitutional law, the public has a strong interest in exercising the right to vote, and administrative convenience cannot justify laws that impinge upon fundamental rights.

Plaintiffs request that the provisions of SB 824 that impose voter-identification requirements, expand the number of poll observers, and loosen eligibility requirements for people who can challenge ballots be enjoined to provide Plaintiffs with necessary and appropriate relief. This Motion is supported by the contemporaneously filed

Memorandum of Law, the accompanying declarations, and any additional submissions that may be considered by the Court.

Respectfully submitted, this 17th day of September, 2019.

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* *Pro hac vice* motion forthcoming

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This 17th day of September, 2019.

/s/ James W. Cooper
James W. Cooper
Attorney for Plaintiffs